

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

2013 JUL 24 PM 4:27

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO.: 2:13-cr-97-FtM 29 DNF

DENCYL DEVON NAIRN

21 U.S.C. §841(a)(1)
21 U.S.C. §841(b)(1)(C)
21 U.S.C. §846
18 U.S.C. §924(c)(1)(A)

INDICTMENT

The Grand Jury charges:

COUNT ONE

Beginning on or about April 10, 2013 through June 21, 2013, in Lee County, in the Middle District of Florida, and elsewhere,

DENCYL NAIRN,

defendant herein, did knowingly and willfully combine, conspire, confederate and agree, with other persons, known and unknown to the Grand Jury, to possess with intent to distribute and distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(C).

All in violation of Title 21, United States Code, Sections 846.

COUNT TWO

On or about April 18, 2013, in Lee County, in the Middle District of Florida,

DENCYL NAIRN,

defendant herein, did knowingly distribute a quantity of a mixture or substance containing a detectable amount of cocaine, a Schedule II Controlled Substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THREE

On or about May 1, 2013, in Lee County, in the Middle District of Florida,

DENCYL NAIRN,

defendant herein, did knowingly distribute a quantity of a mixture or substance containing a detectable amount of cocaine, a Schedule II Controlled Substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FOUR

On or about May 1, 2013, in Lee County, in the Middle District of Florida,

DENCYL NAIRN,

defendant herein, did knowingly carry firearms, namely, a Tactical Weapons Solutions, Model AR-15, .556 caliber rifle with the serial number B-00346, and a Stevens Savage Arms .20 gauge shotgun, Model 77D, no serial number, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit, Distribution of a Mixture or Substance Containing a Detectable Amount of Cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), as charged in Count Three of this Indictment, which is incorporated by reference as though fully set forth herein.

In violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT FIVE

On or about June 12, 2013, in Lee County, in the Middle District of Florida,

DENCYL NAIRN,

defendant herein, did knowingly distribute a quantity of a mixture or substance containing a detectable amount of cocaine, a Schedule II Controlled Substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SIX

On or about June 12, 2013, in Lee County, in the Middle District of Florida,

DENCYL NAIRN,

defendant herein, did knowingly carry firearms, namely, (1) Glock Model 17 .9mm pistol serial number ETT080US; (1) Ruger Model P89 .9mm pistol serial number 309-00071; (1) Romar Cugar model SAR-1, 7.62x39 caliber rifle serial number S1-21043-2000; (1) Maverick Arms model 88 12 gauge shotgun serial number MV36345L, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit, Distribution of a Mixture or Substance Containing a Detectable Amount of Cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), as charged in Count Five of this Indictment, which is incorporated by reference as though fully set forth herein.

In violation of Title 18, United States Code, Section 924(c)(1)(A).

FORFEITURES

1. The allegations contained in Counts One through Six of this Indictment

are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853, Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c).

2. From his engagement in any or all of the violations in alleged in Counts One through Six of this Indictment, the defendant,

DENCYL NAIRN,

shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853(a)(1) and (2) all of his interest in:

- a. any property constituting and derived from any proceeds the defendant obtained, directly or indirectly, as the result of such violations; and
- b. any property used and intended to be used in any manner or part to commit or to facilitate the commission of such violations.

3. From his engagement in any or all of the violations alleged in Counts Four and Six of this Indictment, punishable by imprisonment for more than one year, the defendant,

DENCYL NAIRN,

shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of the offenses.

4. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;

- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), and as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL,

7-24-13

SIGNATURE REDACTED

Foreperson

A. LEE BENTLEY, III
Acting United States Attorney

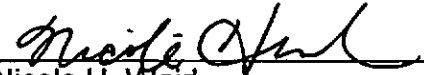
By:


Tama Koss Caldarone
Assistant United States Attorney
Trial Counsel

By:


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Asset Forfeiture

By:


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Assistant United States Attorney
Chief, Fort Myers Division

No.

UNITED STATES DISTRICT COURT

Middle District of Florida
Fort Myers Division

THE UNITED STATES OF AMERICA

vs.

DENCYL DEVON NAIRN

INDICTMENT

Violations:

21:841(a)(1)
21:841(b)(1)(C)
21:846
18:924(c)(1)(A)

At

 **SIGNATURE REDACTED** 

Foreperson

Filed in open court this 24th day

of July, A.D. 2013.

Clerk

Bail \$